

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

OP.No. 38856 of 2001(A)

PETITIONER:

1. BHARGAVI AMMA, W/O. SHRI.PARAMESWARAN PILLAI,
KONNAPULICKAL HOUSE (RASMI VIHAR),
NOORANAD VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.
2. K.G.VIJAYAKUMARAKURUP,
S/O. SHRI.PARAMESWARAN PILLAI,
--DO-- --DO--.

BY ADV. SRI.V.PHILIP MATHEW
SRI.GINU ALIAS

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY SECRETARY,
DEPARTMENT OF REVENUE, KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS' WELFARE FUND BOARD,
NEAR TOWN BUS STAND, T.B. ROAD, PALAKKAD.
3. TAHSILDAR, MAVELIKKARA.
4. VILLAGE OFFICER, NOORANAD, MAVELIKKARA TALUK.
5. DEPUTY TAHSILDAR (RR), TALUK OFFICE, MAVELIKKARA.

BY SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER
SHRI.A.K.JOHN, SC, TWWFB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.NO. 38856/2001

ORDER ON CMP NO.63756/2001 IN O.P.NO. 38856/2001

DISMISSED.

05/12/2007

SD/-(C.N.RAMACHADNRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF NOTICE NO.B6-4/2000/TWWF UNDER R.R.ACT DEMANDING TO PAY RS.1,16,120/- ISSUED BY R5.

P2 : COPY OF RECEIPT DATED 27/07/2000 ISSUED BY R4 EVIDENCING RECEIPT OF RS.30,000/-.

P3 : COPY OF RECEIPT DATED 27/07/2000 ISSUED BY R4 EVIDENCING RECEIPT OF RS.35,210/-.

P4 : COPY OF RECEIPT DATED 14/08/2000 ISSUED BY R4.

P5 : COPY OF RECEIPT DATED 09/10/2000 -DO--.

P6 : COPY OF RECEIPT DATED 08/11/2000 -DO--.

P7 : COPY OF NOTICE DATED 29/10/2001 ISSUED BY R3 UNDER RR ACT.

P8 : COPY OF STATEMENT GIVEN FROM THE OFFICE OF R4 TO THE PETITIONER.

P9 : COPY OF COMMUNICATIOND ATED 27/11/2001 FROM R1 TO THE petitioner.

P10 : COPY OF REPRESENTATION SUBMITTED BY PETIITONERS BEFORE THE R2 DATED NIL.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 38856 of 2001

Dated, this the 5th day of December, 2007

J U D G M E N T

Heard learned counsel for petitioners and learned standing counsel for Toddy Workers' Welfare Fund Board.

2. While the case of the petitioners is that petitioners have remitted most of the liability in recovery proceedings, details of which are furnished in Ext.P10, and the balance according to the petitioners is only Rs.30,000/- with interest, respondents have demanded Rs.2,15,098/-. Even though the original petition is pending for the last six years, not even a statement is filed by the respondents. In the circumstances, and in view of the document produced by the petitioners towards payment of welfare fund dues, this original petition is disposed of directing the petitioners to produce all the receipts of payments made before the 2nd respondent for him to verify the same and issue revised notice demanding balance with interest. It will be open to the 2nd respondent to verify the copies of the receipts produced by the petitioners with records of the recovery authorities, namely respondents 3 to 5. There will be direction to 2nd respondent to issue revised statement after adjusting all payments made by the

petitioners within a period of two weeks from the date of production of a copy of this judgment. Petitioners are granted three equal monthly instalments to clear the arrears, first of which will be paid on or before 31/01/2008 and balance on or before last date of two succeeding months. Petitioners will produce copy of this judgment before the 2nd respondent for compliance.

3. Revenue recovery proceedings will be kept in abeyance for payment as above. If petitioners commit default in making payment of any of the installments, the instalment facility granted will stand automatically vacated and respondents are free to proceed with recovery for recovering entire arrears, on first default.

(C.N.RAMACHANDRAN NAIR, JUDGE)